

## **IC 34-18-16**

### **Chapter 16. Evidence of Advanced Payment; Assignability of Claim**

#### **IC 34-18-16-1**

##### **Advanced payment not admission of liability**

Sec. 1. Except as provided in IC 34-18-15-3, any advance payment made by the defendant health care provider or the health care provider's insurer to or for the plaintiff or any other person may not be construed as an admission of liability for injuries or damages suffered by the plaintiff or anyone else in an action brought for medical malpractice.

*As added by P.L.1-1998, SEC.13.*

#### **IC 34-18-16-2**

##### **Admissibility; payment exceeds liability of defendant; adjustment of judgments**

Sec. 2. (a) Evidence of an advance payment is not admissible until there is a final judgment in favor of the plaintiff. In this case the court shall reduce the judgment to the plaintiff to the extent of the advance payment. The advance payment inures to the exclusive benefit of the defendant or the defendant's insurer making the payment.

(b) If the advance payment exceeds the liability of the defendant or the insurer making the advance payment, the court shall order any adjustment necessary to equalize the amount that each defendant is obligated to pay, exclusive of costs. An advance payment in excess of an award is not repayable by the person receiving the advance payment.

*As added by P.L.1-1998, SEC.13.*

#### **IC 34-18-16-3**

##### **Claim not assignable**

Sec. 3. A patient's claim for compensation under this article is not assignable.

*As added by P.L.1-1998, SEC.13.*